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Attorneys for Defendants
REGAL STONE, LTD. and FLEET MANAGEMENT, LTD.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. C 07 06045 (SC)
)	
Plaintiff,	)	DECLARATION OF GARY S.
	)	MAUSETH IN SUPPORT OF REGAL
vs.	)	STONE, LTD. AND FLEET
	)	MANAGEMENT, LTD.'S MOTION TO
M/V COSCO BUSAN, LR/IMO Ship. No.	)	DISMISS, OR IN THE ALTERNATIVE,
9231743 her engines, apparel, electronics,	)	STAY PROCEEDINGS [FRCP 12(b)(1)]
tackle, boats, appurtenances, etc., <i>in rem</i> ,)	
THE SHIPOWNERS' INSURANCE &	)	Date: May 9, 2008
GUARANTY COMPANY LTD., REGAL	)	Time: 10:00 a.m.
STONE, LIMITED, FLEET	)	Dept.: 1
MANAGEMENT LTD., and JOHN COTA,	)	(The Honorable Samuel
<i>in personam</i>,	)	Conti)
)	
Defendants.)	

Gary W. Mauseth declares as follows:

1. I am the president of Polaris Applied Sciences ("Polaris") and make this

1 declaration based on my personal knowledge and experience.

2 2. Polaris is a scientific consulting company that provides technical and scientific
3 advice and services to companies involved in cleaning up spills of oil and toxic chemicals.
4 Polaris also provides advice and services to responsible parties that are engaged in
5 natural resource damage assessments ("NRDA") under the Oil Pollution Act of 1990 and
6 the CERCLA. I have participated in NRDA in approximately 75 cases involving oil spills
7 from vessels since 1990. I am very familiar with the NRDA process followed by agencies
8 of the United States and the State of California.

9 3. Polaris has been hired to act as the lead NRDA consultant for the responsible
10 parties in the COSCO BUSAN oil spill. I am the lead Polaris representative for the
11 COSCO BUSAN NRDA.

12 4. Agencies of the United States and the State of California with jurisdiction over
13 the natural resources impacted by the COSCO BUSAN oil spill have commenced a
14 cooperative NRDA process, pursuant to the OPA NRDA regulations set forth at 15 CFR
15 990 and State law. These agencies include the National Park Service (NPS), the
16 National Oceanic and Atmospheric Administration, The United States Fish and Wildlife
17 Service (USFWS) and the California Department of Fish and Game. The NPS has been
18 designated as the Federal Lead Administrative Trustee for this NRDA.

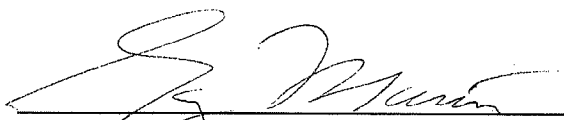
19 5. The NRDA regulations require the trustee agencies to follow a detailed process
20 for assessing injuries to natural resources as the result of an oil spill. At the end of the
21 process, the trustees and the responsible party almost always reach a settlement of the
22 natural resource damages claims. The settlement is subject to public comment, and is
23 then finalized in the form of a consent decree.

24 6. The process outlined above takes several years to complete. In a case such as
25 the COSCO BUSAN, it would not be unusual for the NRDA process to take up to 5 years,
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1 before the injury assessment and restoration planning processes outlined in the NRDA
2 regulations are complete, and a consent decree has been entered.

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4 7. Among the injuries that the trustees are assessing in the COSCO BUSAN
5 NRDA, are injuries to resources under the jurisdiction of national parks and national
6 marine sanctuaries. It is my understanding that if the NRDA trustees determine that
7 resources within parks and national marine sanctuaries were injured, or that the public
8 lost the ability to use and enjoy these resources, as a result of the COSCO BUSAN oil
9 spill, then they will seek damages under OPA 90 to compensate the public for these
10 losses.
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14 Executed this 7th day of February 2008, at Kirkland, Washington. I declare
15 under penalty of perjury under the laws of the United States that the foregoing is true
16 and correct.
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20 Gary S. Mauseth
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